THE HIGHLAND COUNCIL	Agenda Item	5.7			
NORTH PLANNING APPLICATIONS COMMITTEE 18 October 2016	COMMITTEE Report No PLN/056/16				
16/02609/FUL; The Glenmorangie Company Glenmorangie Distillery, Glenmorangie, Tain					
Report by Area Planning Manager					
SUMMARY					
Description: Construction of 5 No Whisky maturation warehouses with associated access roads and infrastructure					
Recommendation - APPROVE					
Ward : 08 - Tain and Easter Ross					
Development category : Major Development					

Pre-determination hearing : n/a

Reason referred to Committee : Major Development

1. PROPOSED DEVELOPMENT

1.1 The proposed development is for the erection of 5 no. new warehouses at Glenmorangie Distillery, these are to be used for the storage of whisky. The application site measures 7.5 hectares which includes the area for warehousing with associated access track and operational area; and an area for the excavated material won from levelling the land where warehouses are to be sited. The warehousing will be a continuation of the recently constructed warehouses. There are two types of warehouse, 4 are palletted warehouses which are of a similar scale to the recent warehouses measuring approx. 44m x 82m and 14.5m in height. Central to the new palletted warehouses and existing warehouses will be a new racked warehouse which is of a slightly larger scale, measuring 52.5m x 80m and 19m in height to the ridge. The difference in size is due to different ways of storing casks within.

The excavated material will form a bund to the rear of the buildings between the warehousing and the A9(T). The site is situated on the easter side of the A9 heading north from Tain.

1.2 A Proposal of Application Notice was submitted in respect of the application (reference no. 16/01165/PAN) with a mandatory public consultation event running in Tain Library on Tuesday 5th April 2016.

EIA Screening and Scoping Opinions were also requested due to the scale of development, and it was determined that an Environmental Statement was not required to be submitted with a formal planning application. This view was taken in consultation with SNH who responded that the development was unlikely to have a significant impact on natural heritage features. There were no other significant issues which would result in the need for an Environmental Statement.

1.3 The area is currently functioning as a large scale distillery as such all infrastructure is already in place including access, servicing and sustainable urban drainage schemes, predominantly by use of a SUDs pond previously approved. Additional private access track and drainage arranagements are proposed within the site in order to provide for the additional warehouses.

1.4 **Variations**: None

2. SITE DESCRIPTION

2.1 The site is located to the south east of the recent warehousing (see section 3.2) at Glenmorangie Distillery and the northern edge of Tain. The railway line and the Dornoch Firth lie to the east of the site. To the west is A9(T). The site is split between the coastal strip adjacent to the railway and the higher agricultural field to the west. An area of excavated material lies adjacent and to the west of the recent warehousing which has been landscaped and grass covered.

3. PLANNING HISTORY

A number of small scale applications have been submitted over the years across
 the distillery site. The applications outlined below for warehousing are relevant in the consideration of this proposal.

- 3.2 12/00424/FUL Construction of 4no whisky maturation warehouses with associated access road and SUDS pond Permitted 25.05.2012
- 3.3 13/02255/FUL, 13/02256/FUL, 13/02257/FUL, 13/02258/FUL, 13/02260/FUL, 13/02700/FUL All applications submitted in respect of earthworks required for the above permission Permitted 16.08.2013
- 3.4 16/01165/PAN Proposal of Application Notice for The construction of 5 no single storey whisky maturation warehouses and associated infrastructure – Closed on 26.04.2016
- 3.5 16/03129/SCRE Bulk excavation and reprofiling existing field to form a platform at low level to construct 5 no portal frame maturation warehouses – EIA not required 09.08.2016

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 Development – Expiry – 05.08.2016 Representation deadline : 22.08.2016

Timeous representations: 0

Late representations : 0

4.2 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Environmental Health:** (Comments summarised)
 - No comment or concern relating to the application.
- 5.2 **Transport Planning** : (Comments summarised)
 - Access from the A9 trunk road and neither construction nor operation of the proposed development is likely to have a material impact on the Council maintained local road network.
 - Comments from the Community Council noted with regard to alternative emergency access to the site in the first instance this is a matter for Building Standards and the emergency services to consider.
- 5.3 **Network Rail**: (Comments summarised)
 - No objections in principle however given the proximity to the operational railway further matters should be taken into account and included as conditions or advisory notes if permission is granted. This includes detail on changes in ground levels to be submitted to Network Rail prior to works commencing on site.
 - An informative will be placed on any permission advising the developer of the above.
- 5.4 **SEPA**: (Comments summarised):
 - Content that existing drainage proposals are to be connected in to, as such no objection.
 - Regulatory Advice is outlined which will be placed as an informative on any permission.
- 5.5 **SNH:** (Comments summarised):
 - The proposal is close to the Dornoch Firth and Morrich More SAC and SPA. The Council is required to consider the effect of the proposal on the designated sites. In the view of SNH it is unlikely the proposal will have a significant effect on any of the qualifying interests either directly or indirectly.
- 5.6 **Tain Community Council :** (Comments summarised)
 - Concern around the A9 distillery junction in terms of road safety
 - Attempt should be made to limit the impact of the landscape re-modelling of the field as this present a significant visual change to the local landform.
 - Concern raised with regard to emergency access in the event of a fire at the existing and proposed warehouses, the introduction of a second vehicular access from Blarliath Road to the east may prove mutually beneficial to the town and distillery
 - Ensure that the Highland Games field is left untouched by the development and that it is accessible.

- 5.7 **Transport Scotland:** (Comments summarised):
 - The director does not propose to advise against granting planning permission.
 - The Route Manager must be contacted for permission in order to undertake work within the trunk road boundary. Further detail on this will be placed as an informative.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28	Sustainable Design
29	Design Quality and Place-Making
30	Physical Constraints
31	Developer Contributions
34	Settlement Development Area
56	Travel
57	Natural, Built and Cultural Heritage
61	Landscape
66	Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (2015)

The site is located within Tain Settlement Development Area and allocated site TN8 – Glenmorangie, allocated for industry.

7. OTHER MATERIAL CONSIDERATIONS

7.2 **Highland Council Supplementary Planning Policy Guidance** Flood Risk & Drainage Impact Assessment (Jan 2013) Physical Constraints (March 2013) Sustainable Design Guide (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3.1 **Development Plan Policy Assessment**

Policy 28 (Sustainable Design) assesses all applications against a list of criteria. Of relevance to this proposal is; potential impact on individual and community residential amenity, demonstration that waste is minimised, sensitive siting and high quality design which is in keeping with local character and historic and natural environment; and, the extent to which developments are affected by physical constraints.

- 8.3.2 Policy 30 (Physical Constraints) states that 'where a proposed development is affected by any of the constraints detailed within the Physical Constraints Supplementary Guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided'. Constraints which should be taken into consideration include that the development is within 150m of a trunk/major road and within proximity to railway infrastructure.
- 8.3.3 Policy 57 Natural, Built and Cultural Heritage requires to be considered due to the proximity of the site to the Dornoch Firth and Morrich More SAC and SPA, and Dornoch Firth National Scenic Area, the impact of development on such natural heritage features is assessed.

8.3.4 Siting and Design of Warehousing

As set out in section 2.1 the site lies on the eastern side of the A9 and will be a continuation of the recently approved and constructed warehousing at the Glenmornagie Distillery site, increasing the number of recently constructed warehouses from 4 to 9. The existing infrastructure associated with the warehousing will be utilised, which includes the SUDs pond; and the recently constructed access track which runs alongside the warehouses will also be extended. The site is also located within an allocated industrial site (a distillery), as such, the additional warehousing here is considered appropriate to the site and is supported.

8.3.5 The warehouses whilst large buildings in themselves are of the same scale as those already built and will likewise be finished to match them in terms of colour and materials. Due to the landform within and around the site it is not considered that the siting of additional warehousing here will have a significantly adverse impact upon the visual amenity of the area. As the land falls from the A9(T) towards the Dornoch Firth relatively steeply the warehousing will be largely hidden from public view when viewed from the north and west. It is likely that the some roofing may be partially visible, however given the site is already industrial and well established it is not considered that this will be to the detriment of the area. It is considered that it may be visible from Tain when viewed from the South East (Lidl side) There is a sloping bund already visible and evident from this view point which is likely to be continued. In this regard it is considered appropriate to condition the

permission in order to secure some landscaping which will help assimilate the development, and excavated material into the surrounding area and, screen and soften the visual impact.

- 8.3.6 Given the existing use of the site for a relatively large distillery and use of appropriate materials, it is not considered that the proposed warehouses will have a significantly detrimental impact in terms of visual amenity when viewed from around the Dornoch Firth National Scenic Area, as such this is supported and can be controlled by conditions.
- 8.3.7 The potential for impacts upon other designations, specifically the Dornoch Firth and Morrich Firth SAC and SPA sites has been assessed by SNH and they have indicated that it is not considered likely that the development will have a detrimental impact upon the designated sites. This is reflected in the view that an Environmental Statement was not considered necessary at the EIA Screening stage.
- 8.3.8 The layout and design of the proposal has been restricted by the physical site constraints and also by the safety and licensing requirements for this type of use. The warehouses are of a functional form, consistent with the existing storage buildings. The application was supported by a site investigation report, which identified ground conditions and any potential contamination constraints; no significant sources of contamination or other constraints were identified. Impacts upon the amenity of the community are limited as the site is located outwith the main settlement; as such the, siting and design of the proposal are not considered to have a significantly detrimental impact upon either individual or community residential amenity.

8.3.9 Earthworks

Given the significant and marked change in level across the site from the agricultural field to the west down to the coastal shelf, a significant amount of excavation will be required in order to level the site for the warehousing in-line with the existing warehousing. This work will involve the cutting and filling of levels across the site with a bund being created within the site of application, behind the warehousing.

8.3.10 The existing landform created from the earthworks is not considered to be significantly visually prominent when viewed from the A9(T), or around the properties adjacent, this is due in part to partial screening from the mature beech hedging which runs along the roadside. In this instance there is little hedging in order to screen the area, particulary when viewed from the A9(T). The field which sits above the site however is undulating, it falls steeply from the road level into the site. The drawings show that the earthworks should not be any higher than the level of the field visible from the road, it is also intended that the existing bund will be smoothed over and tapered into the proposed earthworks, which will continue into the existing landform. This will help the earthworks to assimilate into the natural landform in the area and is also considered that the visual impact of the existing bund will be slightly reduced, which is an improvement of the situation on site at present.

- 8.3.11 As noted above the main area where the earthworks will be visible is when viewed from the south, specifically from Lidl. There is already a significant amount of earthworks which are visible from the site, the provision of landscaping of the south eastern corner of the site will be expected in order to help soften the appearance of this, which will again be an improvement on the situation on site at present.
- 8.3.12 It is assessed that the visual impact of the proposals is restricted to the site and immediate surrounding area; from the wider area, alterations to ground levels will not appear as a prominent feature as they should be successfully engineered into the natural landform which falls toward the town to the south and the firth to the east.

8.3.13 **Transportation and Access**

It is not considered that there will be a significant increase in traffic as the warehouses are for storage of whisky produced at the distillery as such the impact on the local road network is considered to me minimal. Transport Scotland and Transport Planning do not object to the proposals.

8.4 Material Considerations

• Concern around the A9(T) distillery junction in terms of road safety.

Planning Comment – Transport Scotland are the authority responsible for road safety and traffic movements on the A9(T) – they raise no objections to the proposal. It should be noted that the warehousing is for whisky storage, as such additional vehicular movements to the A9(T) are limited to construction vehicles, with vehicular movement being mainly within the site from distribution to storage.

• Attempt should be made to limit the impact of the landscape re-modelling of the field as this presents a significant visual change to the local landform.

Planning Comment – As outlined above, the earthworks will be tapered into the existing landform and limited to the most easterly side of the field where the land rises up to the A9(T), as such the visual impact will be limited to the immediate surroundings.

 Concern raised with regard to emergency access in the event of a fire at the existing and proposed warehouses, the introduction of a second vehicular access from Blarliath Road to the east may prove mutually beneficial to the town and distillery.

Planning Comment – This is a matter to be addressed by the Fire Service and Building Standards at the Building Warrant stage. Informal discussion with Building Standards Officers clarified that it was unlikely in this instance that a new access adjoining Tain to the distillery would be required, however this would be assessed through consultation with the Fire Officer in processes which are separate from Planning. While it is appreciated by the Planning Authority, and the developer that an improved link between the town and distillery would be beneficial to the public, and indeed the distillery; the site is very much an operational area with large vehicular movements within. From a safety point, with particular regard to pedestrian movement, the developer is required to limit public access. In addition to this, the developer does not have land within their ownership at this time to provide such a linkage as the field between the Tain Common Good Fund and the

distillery is privately owned. The developer has intimated that they are happy to explore in principle, any initiatives the Community Council would seek to bring forward.

• Ensure that the Highland Games field is left untouched by the development and that it is accessible.

Planning Comment – The field used for the Highland games is to the opposite end of the distillery, located to the north, and does not form part of the application site it is unlikely that there will be any impact upon the field as part of this application.

8.5 **Other Considerations – not material**

Non applicable

8.6 Matters to be secured by Section 75 Agreement

Non applicable

9. CONCLUSION

9.1 The proposal is considered to accord with the Development Plan policies and there are no third party representations or consultee objections, as such it is considered that the proposal is acceptable subject to conditions. All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. The external wall and roofing materials and colours of the warehouses hereby approved shall match the immediately adjacent warehouses to the north, unless otherwise agreed in writing by the Planning Authority as a non-material variation.

Reason: For the avoidance of doubt and in order to match the existing warehousing in the interest of visual amenity.

2. No development shall commence until a method statement for the seeding/planting for the earthworks is submitted to, and, approved in writing by the Planning Authority. The development shall thereafter proceed in accordance with the agreed details.

Reason: In the interests of visual amenity and to ensure that a high standard of finish to the earthworks is achieved.

3. No development shall commence until details of and planting and landscaping on the South East edge of the site is submitted to and approved in writing by the Planning Authority.

Reason: In the interests of visual amenity and in order to help assimilate the development into its surroundings.

4. No development shall commence until details of measures to protect adjacent properties and the A9(T) from dust is submitted to, and, approved in writing by the Planning Authority. These details shall include the number of vehicle movements per day and details of the wheel washing facilities provided on site. The development shall thereafter proceed in accordance with the agreed details.

Reason: In the interests of road safety and neighbour amenity.

5. The earthworks shall not exceed the heights shown on the approved cross section as detailed on the approved plan EC20494:28:182.

Reason: For the avoidance of doubt and in the interest of visual amenity.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Schedule 3 Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Network Rail – Working Within Proximity to Rail Line.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic by a

"possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer

151 St. Vincent Street, GLASGOW, G2 5NW

Tel: 0141 5554087

E-mail: <u>AssetProtectionScotland@networkrail.co.uk</u>

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

SEPA – COMAH Regulations and Hazardous Substance Consent

It is noted that Glenmorangie Distillery is already regulated under the Control of Major Accident Hazards Regulations (COMAH) Regulations as a Lower Tier establishment.

Further information is supplied to our Technical Support Unit (details below)

on the additional quantity of flammable spirit (ethanol) that will be held on site as a result of this development proposal, and an update on the total that will be held. This is important as the qualifying threshold may be exceeded that takes the site from being a Lower Tier to an Upper Tier COMAH establishment. In this event, a key change would be the requirements for a site safety report, and we highlight guidance on the Regulations in publication L 111 (3rd ed, 2015).

For information, the qualifying quantity invoking Upper Tier requirements is 200 tonnes flammable liquids.

You should also note that you will also be required to update the Hazardous Substance Consent with the revised quantity of flammable spirit being held on site.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. Please contact Steph Pickford with the SEPA Technical Support Unit North (Tel: 01349 860330; <u>steph.pickford@sepa.org.uk</u>) to further discuss the above regulatory matters.

Transport Scotland

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained. Route Manager (A9) 0141 2727100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 OHF NORTHWEST Bear House, Inveralmond Road, Inveralmond Industrial Estate, Perth, PH1 3TW 0845 4130200 <u>NWplanning@bearscotland.co.uk</u>

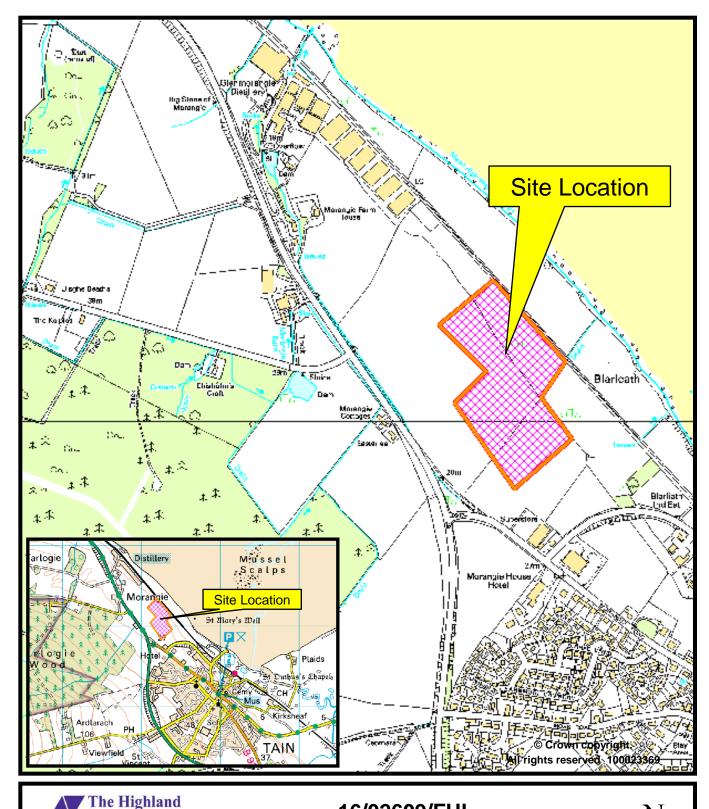
Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact <u>env.health@highland.gov.uk</u> for more information.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Laura Stewart
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan - EC20494-28-180
	Plan 2 – Site Layout Plan - EC20494:28:181
	Plan 3 – Section Plan - EC20494:28:184
	Plan 4 – Earthworks Plan - EC20494:28:182
	Plan 5 – Elevation Plan EC20494-28-186
	Plan 6 - Elevation Plan EC20494-28-189
	Plan 7 - Elevation Plan EC20494-28-190



16/02609/FUL

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Construction of 5No. Whisky maturation warehouses with associated access roads and infrastructure at Glenmorangie Distillery, Tain. Date: 29/09/2016

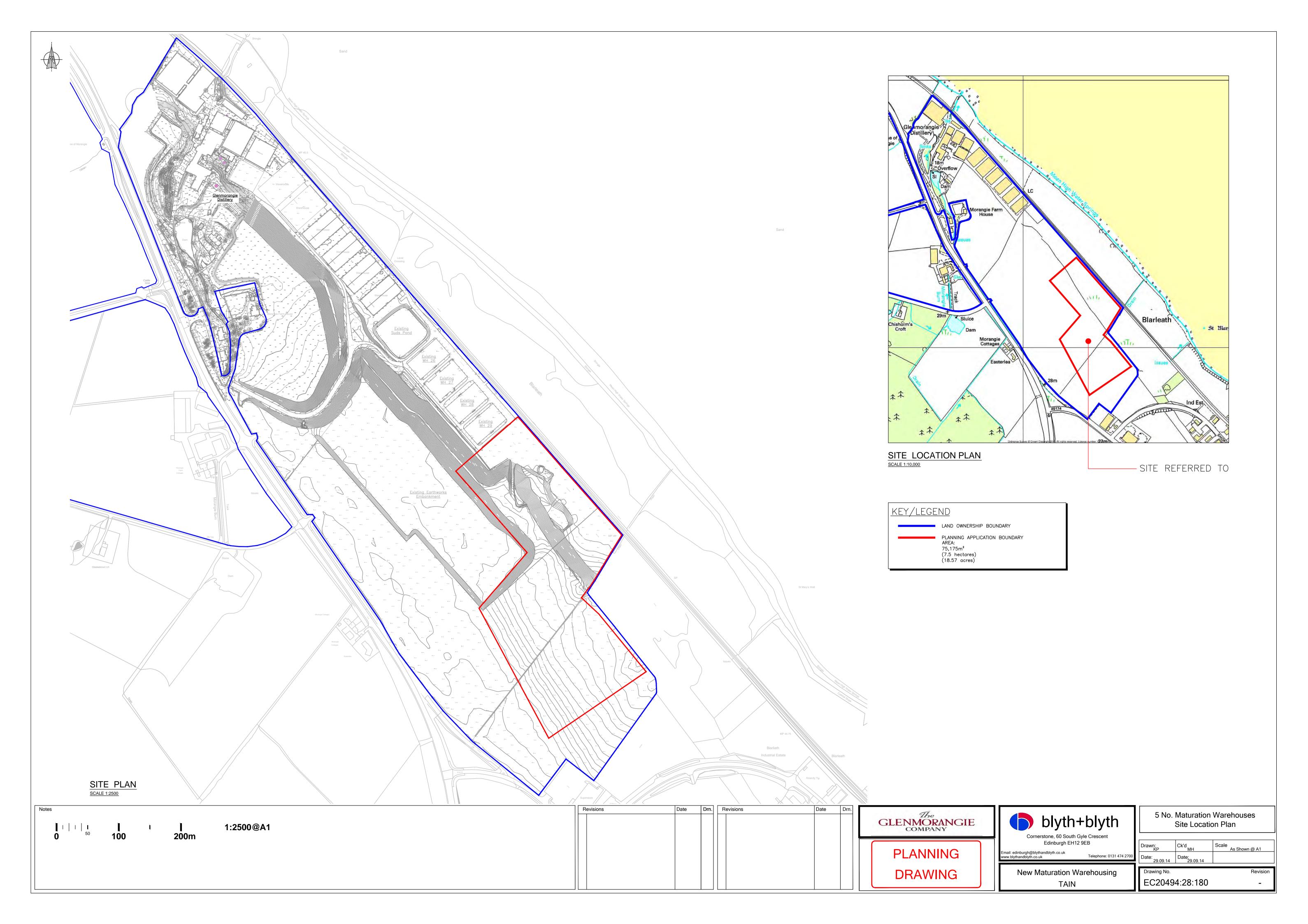
Development & Infrastructure

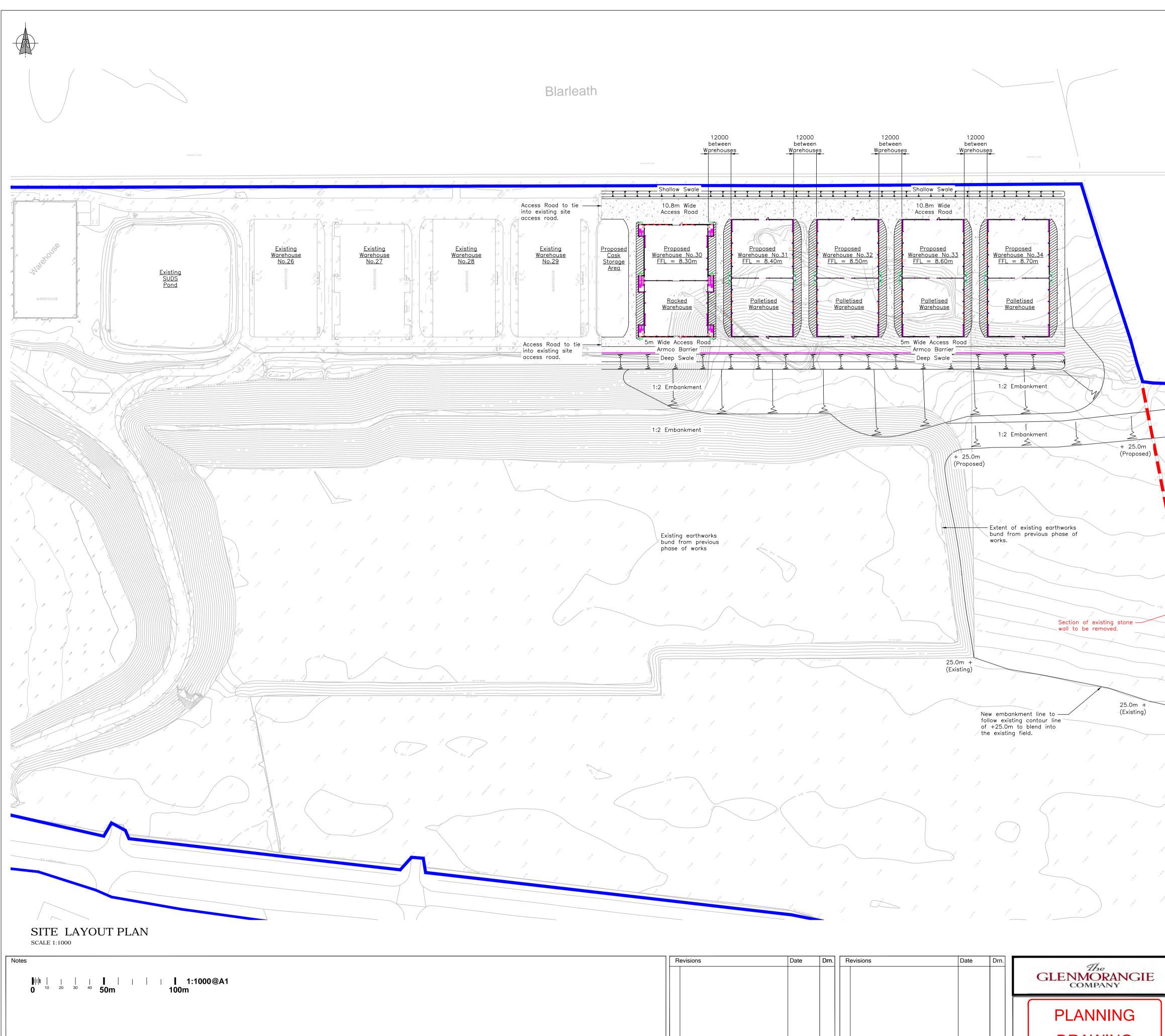
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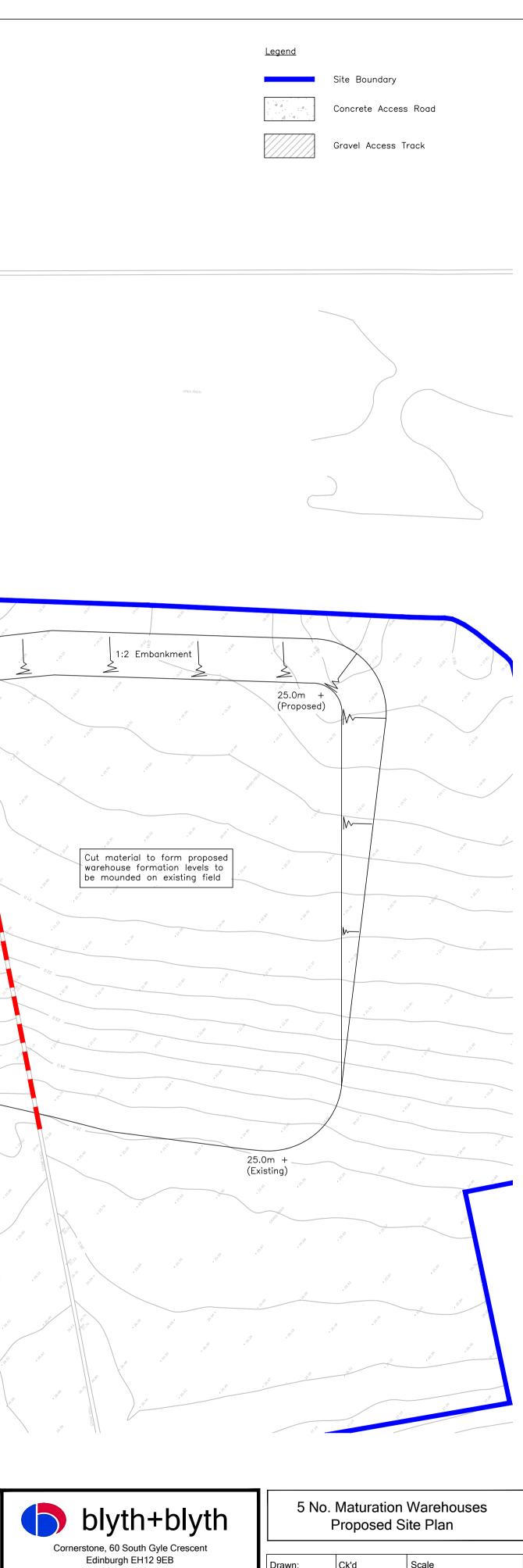
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Revisions	Date	Drn.	F	Revisions	Date	Drn.	The GLENMORANGIE COMPANY
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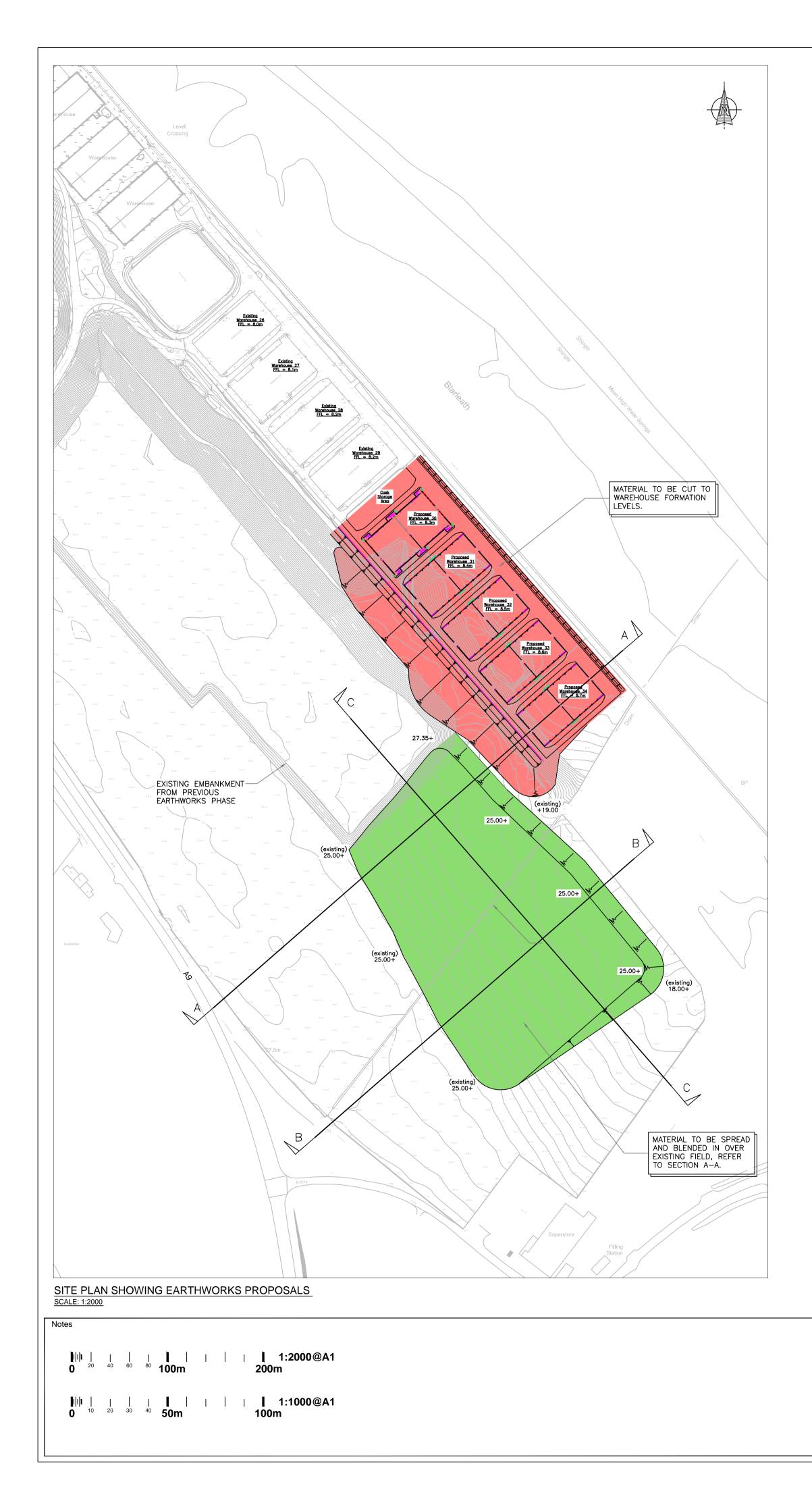
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New Maturation V	Varehousing

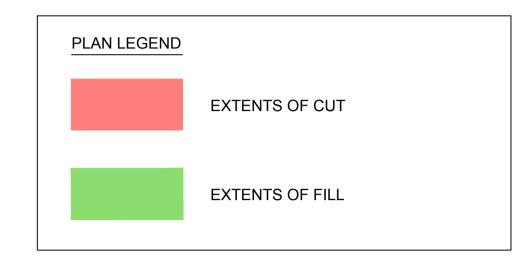
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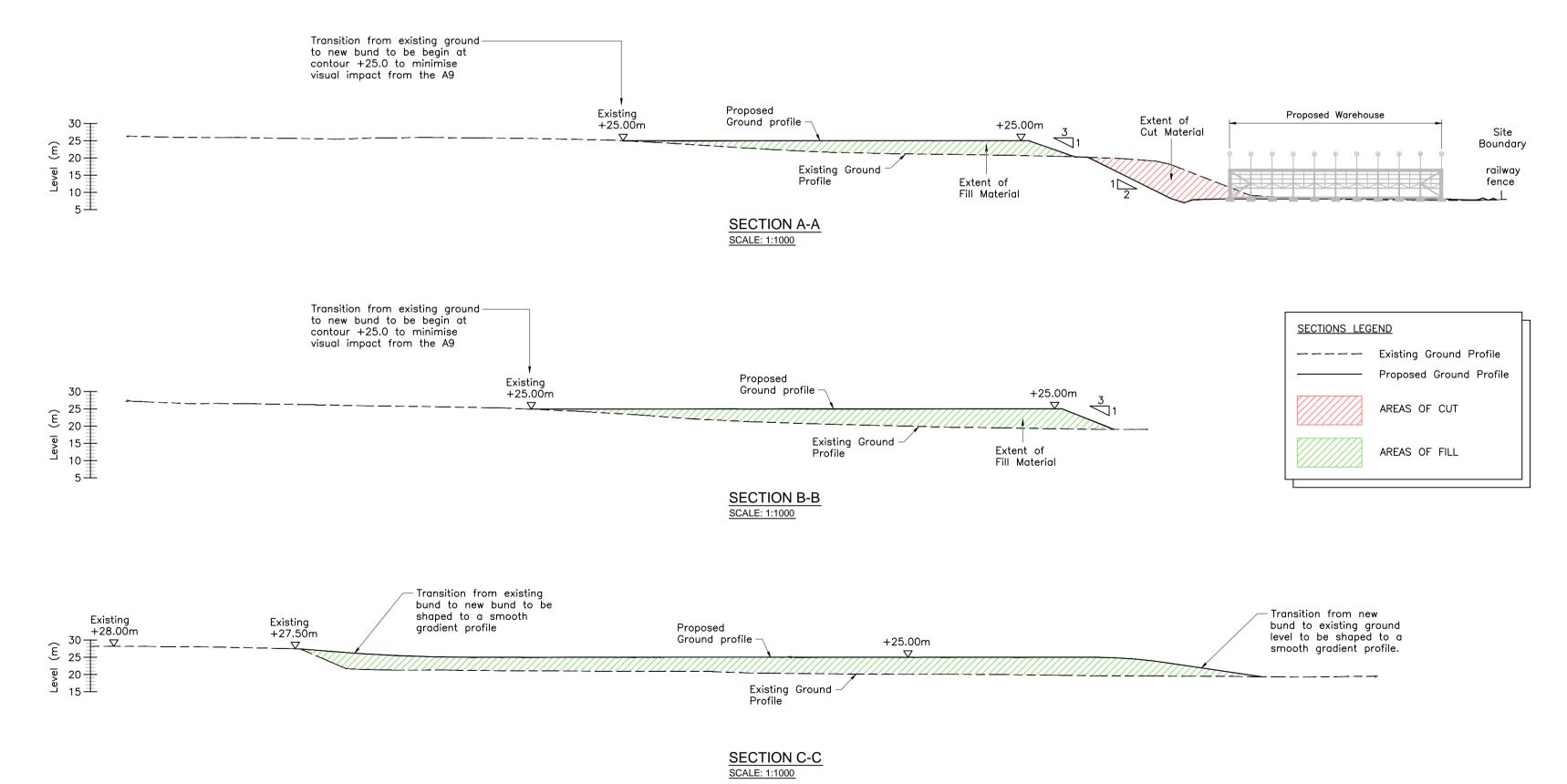
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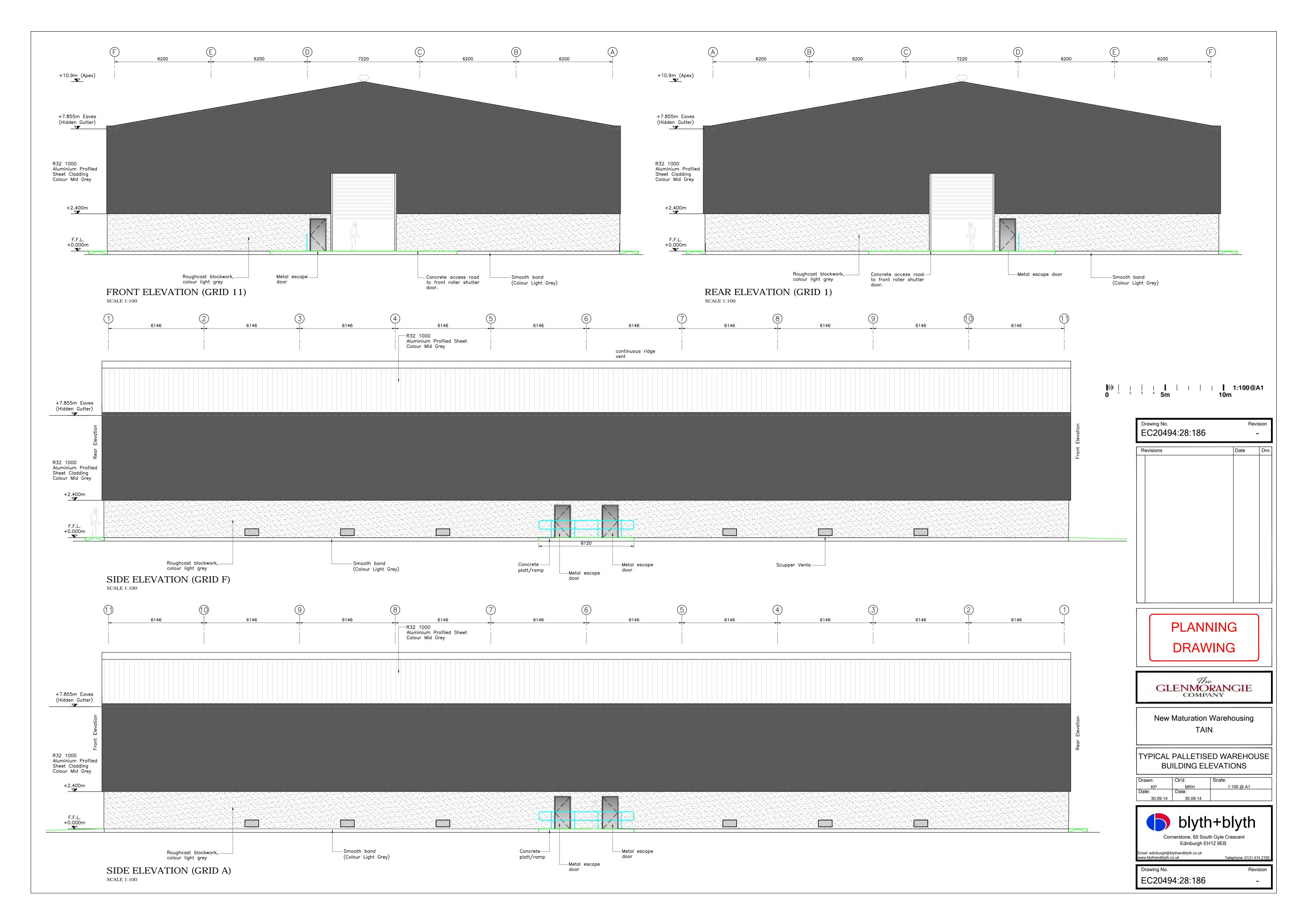
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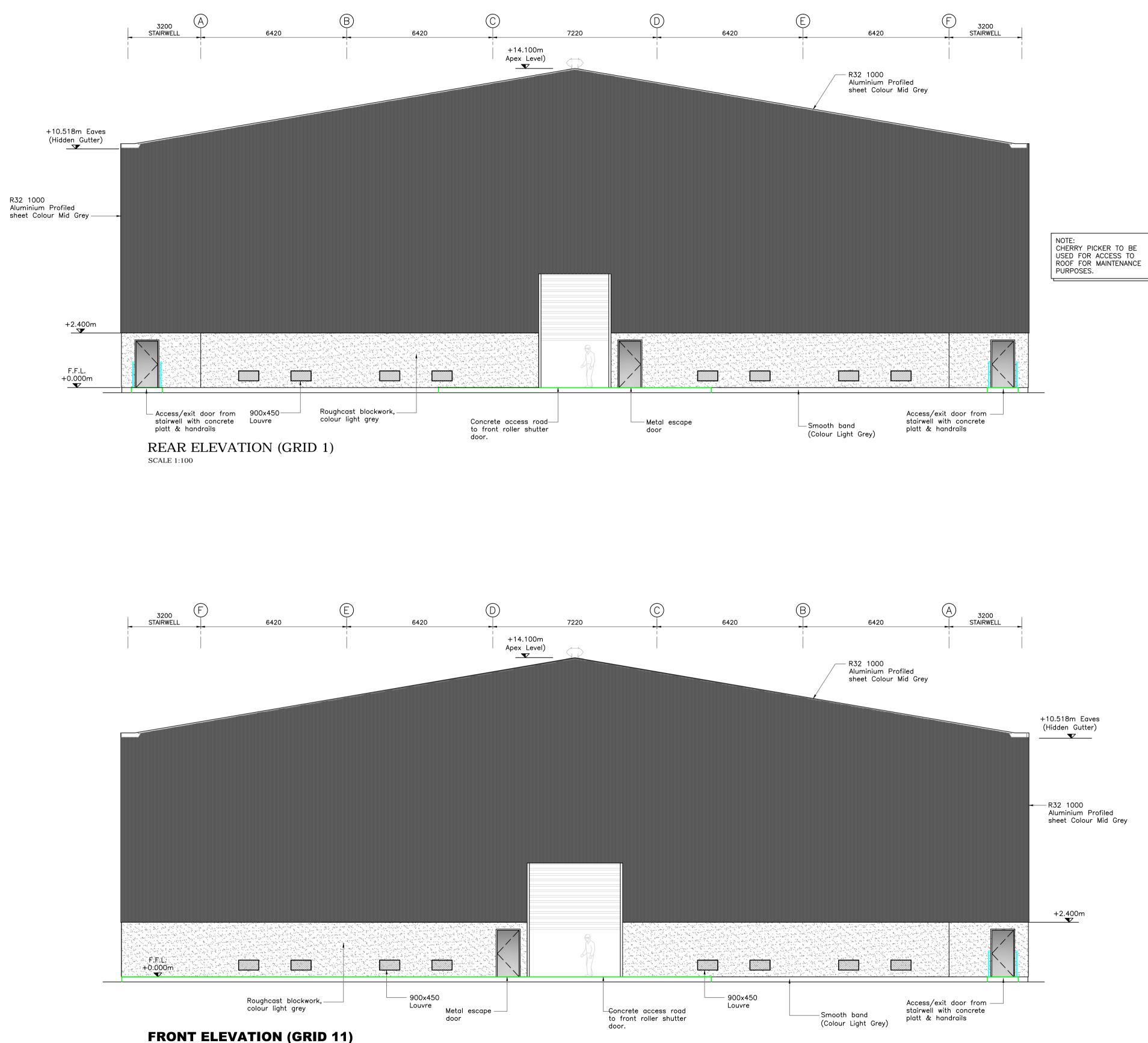


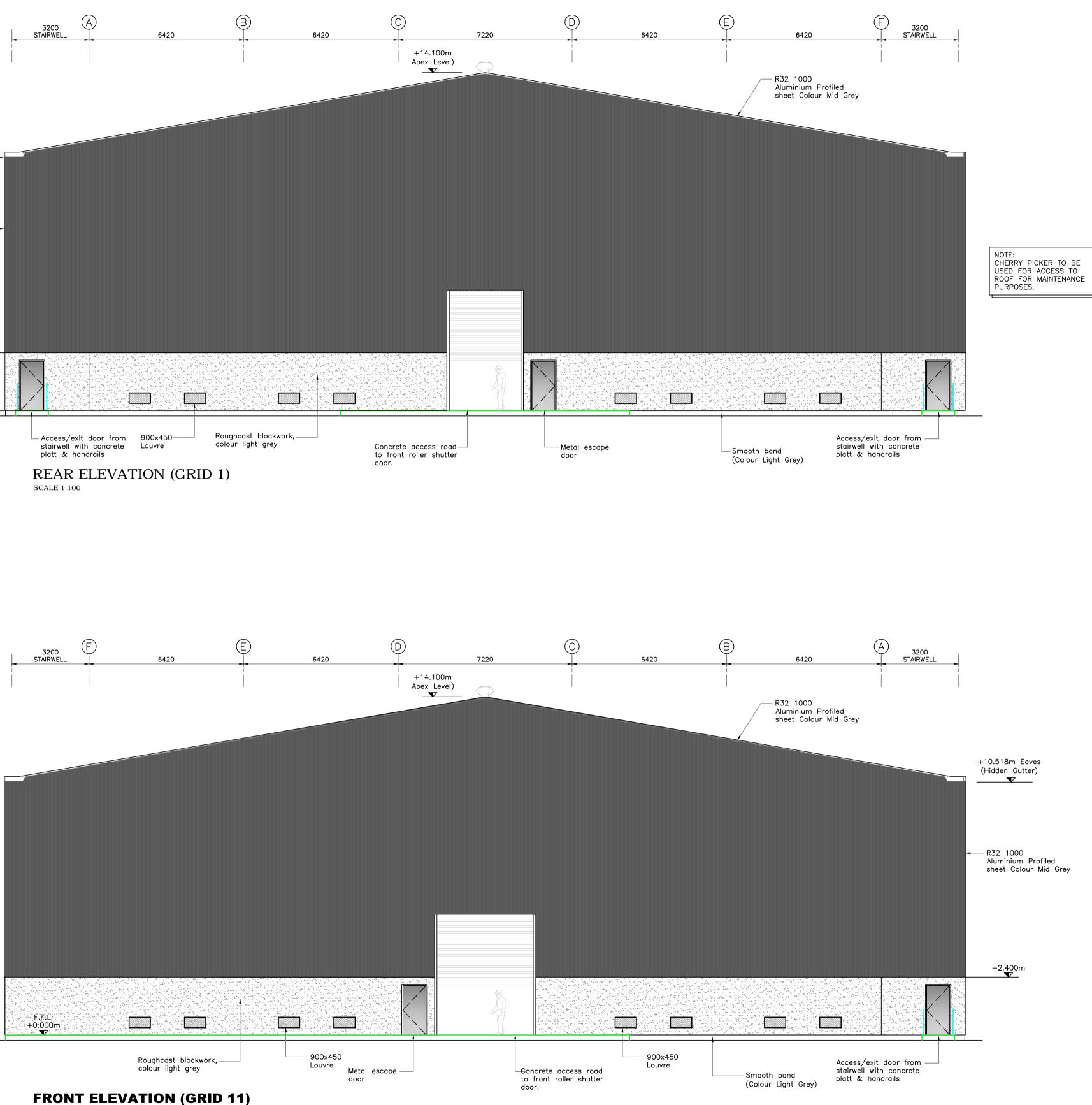
PROPOSED 5 No. WAREHOUSES EARTHWORKS PROPOSALS

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Date: 20.01.16	Date:					
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FRONT ELEVATION (GRID 11) SCALE 1:100

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